IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.75 OF 2000

Babu Genu Gangode ...Appellant
Vs.
Sou.Sindhubai Narayan Jadhav & Ors. ...Respondents

Ms Deepa S. Malwankar i/b Mr.J.N.Pawar for the Appellant
Mr.M.M.Sathaye for the Respondents.

CORAM: A.S.OKA, J.
DATED: MAY 4,2005.

P.C.:

1. Heard Advocates for the parties. Second Appeal is by the original Plaintiff. The Appellate Court held that the Appellant-Plaintiff has failed to prove that the possession of the Appellant is confirmed by sale deed dated 22nd March 1977 executed by the Respondent No.1 in favour of the Respondent No.2. The Appellate Court has noted that the Plaintiff did not step into witness box and his power of attorney holder stepped into witness box. The original Plaintiff could not substantiate his plea of tenancy. That is the reason why the Appellate Court has set aside the Judgment and Decree passed by the Trial Court for declaration of perpetual injunction.

2. No substantial question of law arises. Second Appeal is dismissed with no order as to costs.

Judge.